

SCOTT N. SCHOOLS, SCSBN 9990
United States Attorney
JOANN M. SWANSON, CSBN 88143
Assistant United States Attorney
Chief, Civil Division
EDWARD OLSEN, CSBN 214150
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-6915
FAX: (415) 436-6927

Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

HUSEIN HELAIQA,

Plaintiff,

v.

Department of Homeland Security, MICHAEL
CHERTOFF, Secretary; U.S. Attorney General,
ALBERTO R. GONZALES; United States
Citizenship and Immigration Services, EMILIO
T. GONZALEZ, Director; United States
Citizenship and Immigration Services,
ALFONSO AGUILAR, Chief; United States
Citizenship and Immigration Services, DAVID
STILL, District Director and ROBERT
MUELLER, III, Director of Federal Bureau of
Investigation,

Defendants.

No. C 07-1253 MHP

**STIPULATION TO A SECOND
EXTENSION OF DATE OF
CASE MANAGEMENT CONFERENCE;
AND ~~PROPOSED~~ ORDER**

The plaintiff, by and through his attorney of record, and defendants, by and through their attorneys of record, hereby stipulate, subject to approval of the Court, to a second extension of the date of the case management conference in this case, based on the following:

1. The plaintiff filed an application for naturalization with the United States Citizenship and Immigration Services (USCIS) on March 28, 2005.

2. As part of its processing of the naturalization application, the USCIS asked the FBI to conduct a name check of the plaintiff.

1 3. The plaintiff was interviewed by the USCIS on his naturalization application on or about
2 August 2, 2005.

3 4. To date, the FBI has not yet completed the name check of the plaintiff.

4 5. On March 2, 2007, the plaintiff filed an action under 8 U.S.C. § 1447(b), which provides
5 that if the USCIS has failed to make a determination on an individual's application for
6 naturalization within 120 days after the date on which the applicant is examined, the applicant may
7 apply to the United States District Court for a hearing on the matter, and the District Court "may
8 either determine the matter or remand the matter, with appropriate instructions, to the Service to
9 determine the matter." 8 U.S.C. § 1447(b).

10 6. The USCIS asked the FBI to expedite the processing of the plaintiff's name check on March
11 27, 2007.

12 7. On June 4, 2007, the parties filed a stipulation asking this Court to extend the date of the
13 case management conference, which was scheduled for June 11, 2007, for approximately sixty
14 days in light of the reasonable possibility that the FBI would complete the name check within that
15 period of time and USCIS could then adjudicate the naturalization application.

16 8. This Court approved the parties' stipulation and re-set the case management conference for
17 August 27, 2007, at 4:00 p.m.

18 9. The FBI has not yet completed the name check.

19 10. The parties therefore ask this Court to a second extension of the date of the case
20 management conference, this time by 30 days, in light of the reasonable possibility that the FBI
21 will complete the name check and USCIS can then adjudicate the plaintiff's naturalization
22 application.
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2 Dated: August 20, 2007

Respectfully submitted,

3 SCOTT N. SCHOOLS
4 United States Attorney

5 /s/
6 EDWARD A. OLSEN
7 Assistant United States Attorney
8 Attorneys for Defendants

9 Dated: August 20, 2007

10 /s/
11 GERI N. KAHN
12 Attorney for Plaintiff

13 **ORDER**

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15 Pursuant to stipulation, IT IS SO ORDERED that the case management conference, currently
16 scheduled for August 27, 2007, is hereby re-scheduled to September 24, 2007, at 4:00 p.m.
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18 Date: August 23, 2007

